

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

AUGUSTYN KASPRZYK,  
Plaintiff,

vs.  
AXIOM FINANCIAL LLC, FORMERLY  
KNOWN AS AXIOM FINANCIAL SERVICES,  
et al.,

Defendant(s).

Case No. 17 CV 8523

Judge Charles R. Norgle, Sr.,  
presiding

**MOTION TO DISMISS AMENDED COMPLAINT**

NOW COME the Defendants, GREGORY FUNDING LLC and ASPEN SHACKLETON III, LLC (hereinafter “the remaining Defendants”), by and through their attorneys, and hereby move this Honorable Court for entry of an order dismissing this matter pursuant to Federal Rules of Civil Procedure Rules 12(b)(1) and 12(b)(6). In support of their motion, the remaining Defendants state as follows:

1. On November 27, 2017, Plaintiff filed the instant complaint alleging five causes of action allegedly arising from the July 27, 2006 origination of one or more mortgage loans secured by property commonly known as 4151 N. Keeler Avenue, Chicago, Illinois 60641. Plaintiff alleges eight counts in his Amended Complaint: two counts alleging violations of the Racketeer Influenced and Corrupt Organizations Act, one count alleging a violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, one count alleging a civil conspiracy against Plaintiff, and a count alleging intentional infliction of emotional distress against all Defendants. Plaintiff added counts for trespass, a violation of the FDCPA, and a violation of RESPA against the remaining Defendants in the Amended Complaint. For the reasons set forth in the remaining

Defendants' memorandum of law, Counts I – V of the Amended Complaint must be dismissed with prejudice pursuant to Rule 12(b)(1) for lack of jurisdiction or pursuant to Rule 12(b)(6) for the Plaintiff's failure to state a claim on which relief may be granted.

WHEREFORE, pursuant to the foregoing, the Defendants, GREGORY FUNDING LLC and ASPEN SHACKLETON III LLC, respectfully move this Honorable Court to dismiss the complaint pursuant to Rule 12(b)(1) and/or Rule 12(b)(6) and for such other relief this Court may deem just and proper.

LAW OFFICES OF IRA T. NEVEL, LLC

/s/ Greg Elsnic  
Gregory C. Elsnic – ARDC #6242847  
ONE OF DEFENDANTS' ATTORNEYS

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# 17-03116